

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054**

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JAN 19 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b),) MM Docket No. _____
Table of Allotments,) RM- _____
Television Broadcast Stations)
(Woodward, Oklahoma))

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To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Channel 35 Broadcasters ("Petitioner"), by its attorneys and pursuant to Sections 1.401 and 73.3572 of the Commission's rules, hereby petitions the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 35 to the Woodward, Oklahoma television market. As discussed below, the allotment of Channel 35 to Woodward would further the Commission's goal of providing the community with its first full-service television allocation. Petitioner intends to promptly apply for Channel 35 if it is allotted to Woodward and promptly build the station if its application is granted.

BACKGROUND

1. Generally, Section 307(b) of the Communications Act, as amended, requires that channel allotments be made to communities as geographically identifiable population groupings. Woodward, Oklahoma easily qualifies as a community for allotment purposes.
2. Woodward is an incorporated community of 12,340 residents, and is the county seat of Woodward County, which has a total population of 18,796, according to the 1990 U.S. Census. Woodward has its own government, which includes a city manager and city

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commissioners. The Woodward city government collects its own property and sales taxes. Woodward has 16 full-time fire personnel, 18 volunteer fire personnel, and 21 full-time police officers. Woodward has its own garbage collection system, water treatment system, and school system, with ten primary and secondary schools. Northwestern Oklahoma State University at Woodward and High Plains Area Vo-Tech provide higher education resources for the community. Woodward has 155 retail establishments, 75 wholesale businesses, numerous manufacturing plants, five banking institutions, as well as a noncommercial airport, seven motels, six medical clinics, a large hospital, a physical therapy clinic, the Woodward County Health Center, two home health agencies, two skilled nursing facilities, and a specialized ambulatory care facility. There are 25 churches located in Woodward. In addition, Woodward has one daily newspaper and one weekly newspaper. Situated at the intersection of U.S. 270 and U.S. 412, Woodward is considered the “hub” of the northwest Oklahoma trade area, which encompasses nine counties with a total population of approximately 74,000 residents.

DISCUSSION

3. The Commission has long held that the provision of at least one television broadcast station to a community is paramount with regard to its television allotment priorities.

Amendment of the Commission’s Rules, Regulations and Engineering Standards Concerning the Television Broadcast Service, Sixth Report and Order, 41 FCC 148, 167 (1952). Woodward has no full-time commercial television station despite the fact that it clearly qualifies as a community for allotment purposes, as detailed above.^{1/} The allotment of Channel 35 to Woodward would

^{1/} Channel 17 is reserved to Woodward as a noncommercial educational broadcast channel; however, the channel is vacant. Public Notice, Television Channel Utilization, Mimeo 55865 (September 25, 1995).

further the Commission's decades-old television allotment goal of providing a full-service television broadcast station to the community.

4. In addition to furthering the Commission's television allotment priorities, the allotment of Channel 35 to Woodward is consistent with the Commission's rules regarding minimum spacing requirements. As detailed in the attached Engineering Statement, the nearest licensed commercial television station is 172 kilometers from Woodward at Ensign, Kansas; the nearest licensed educational television station is 77 kilometers from Woodward at Cheyenne, Oklahoma; the nearest pertinent allotment (Channel 20) is 119.9 kilometers from Woodward at Claremore, Oklahoma; and the nearest co-channel allotment is 345 kilometers from Woodward at Claremore, Oklahoma. The allotment of Channel 35 to Woodward would not violate the minimum spacing requirements to any of these stations.

5. It should also be noted that the allotment of Channel 35 to Woodward is permissible despite the Commission's temporary freeze of television allotments in some areas of the nation. See Advanced Television Systems (Freeze of TV Table of Allotments), 76 RR 2d 843 (1987).

Woodward is located approximately 432 kilometers from the Fort Worth, Texas television market, which is the nearest television market covered by the freeze. The minimum required spacing between a frozen market and a market not impacted by the freeze is 281 kilometers.

6. Petitioner has demonstrated that: (1) Woodward is a community for allotment purposes; (2) the allocation of Channel 35 to Woodward would further the Commission's long-standing goal of providing a first local television service to a community; (3) the allotment of Channel 35 would not violate the Commission's minimum spacing requirements between television stations; and (4) the Commission's temporary freeze of television station allotments in select markets is not a barrier to the allotment of Channel 35 to Woodward. Finally, Petitioner

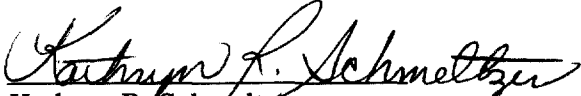
pledges to promptly apply for Channel 35 if it is allotted to Woodward and promptly build the station if its application is granted.

CONCLUSION

WHEREFORE, the premises considered, Channel 35 Broadcasters respectively requests the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 35 to Woodward, Oklahoma.

Respectfully submitted,

CHANNEL 35 BROADCASTERS

By: 
Kathryn R. Schmeltzer
Kevin M. Walsh

Its Attorneys

FISHER WAYLAND COOPER
LEADER AND ZARAGOZA, L.L.P.
2001 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20006
(202) 659-3494

January 19, 1996

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SELLMEYER ENGINEERING
BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 336 McKinney, Texas 75069
MEMBER AFCCE
(214) 542-2056

EXHIBIT E-1

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ENGINEERING STATEMENT IN SUPPORT OF
PETITION FOR RULEMAKING
TO AMEND SECTION 73.606(b)
TABLE OF ALLOTMENTS
WOODWARD, OKLAHOMA

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DECEMBER, 1995

SELLMEYER ENGINEERING
BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 356 McKinney, Texas 75069
MEMBER AFCCE
(214) 542-2056

ENGINEERING STATEMENT IN SUPPORT OF
PETITION FOR RULEMAKING
TO AMEND SECTION 73.606(b)
TABLE OF ALLOTMENTS
WOODWARD, OKLAHOMA

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1. GENERAL

This Firm has been retained by Channel 35 Broadcasters to prepare this Engineering Statement in support of its Petition for Rulemaking to amend Section 73.606(b) of the Rules to add Television Channel 35 to the Woodward, Oklahoma market. Woodward is the county seat of Woodward County and is located in Northwestern Oklahoma. Woodward presently has assigned TV Channel 17- which is reserved for educational use. The area presently has no full service television allocation. The nearest licensed educational television station is located 77 kilometers from Woodward at Cheyenne, Oklahoma. The nearest licensed commercial television station is located 172 kilometers from Woodward at Ensign, Kansas. The applicant requests the Commission amend Section 73.606(b) of the Rules to allocate TV Channel 35 to Woodward as its first local television channel. The applicant will file an application for this channel and, if granted, will construct a television station on Channel 35 to serve the Woodward and Northwest Oklahoma area.

2. ALLOCATION CONSIDERATIONS

The allocation standards of Sections 73.610 and 73.698, Table 4 were used to determine which channels in the VHF and UHF television bands could be assigned in the Woodward Area. Reference coordinates of the KWOX-FM transmitter site located at Sharon, Oklahoma were chosen for the study. The KWOX transmitter site employs a 1200 foot tower suitable for a television transmitter site and will allow maximum coverage of the Northwest Oklahoma area. The coordinates are:

N.L.: 36° 16' 06"

W.L.: 99° 26' 56"

The channel offering the least restrictions was determined to be Channel 35. The nearest pertinent allotment is that of Channel 20 at Enid, Oklahoma. A construction permit has been issued to Station KAFU at a site located 141.1 kilometers from the proposed site. The minimum required spacing is 119.9 kilometers. The nearest co-channel allotment is at Claremore, Oklahoma, a distance of 345 kilometers from the proposed site. There are no other allocations or proposed allotments with clearances less than 50 kilometers from the proposed site.

The proposed site is located 431.8 kilometers from the Fort Worth, Texas television market. The minimum required spacing for HDTV considerations is 281 kilometers. Thus, the channel may be allotted irrespective of the HDTV freeze.

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BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 356 McKinney, Texas 75069
MEMBER AFCCE
(214) 542-2056

Exhibit 1 is a spacing study showing the pertinent allocations, operating and proposed facilities.

Exhibit 2 is a section of the NOAA TPC-G19B Tactical Pilotage Chart which shows the proposed allocation site and the 119.9 kilometer arc from the KAFU-CP site. The existing KWOX-FM tower location is clearly shown on the map.

TABLE OF ASSIGNMENTS

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Woodward, Oklahoma	17- (Reserved for ED-TV)	17- (Reserved), 35

3. WAIVER REQUESTS

The proposed allocation meets all requirements of the Rules including the minimum spacing imposed by the HDTV freeze. No waivers are necessary to allot Channel 35 to Woodward, Oklahoma.

4. INTENT TO APPLY FOR FACILITY

In the event that Channel 35 or another suitable channel is allotted to Woodward, Oklahoma, Channel 35 Broadcasters intends to apply for the channel and, if granted, will construct and operate a television station at Woodward, Oklahoma.

5. SUMMARY AND CONCLUSIONS

It has been shown that TV Channel 35 may be allotted at the transmitter site of Station KWOX-FM at Woodward, Oklahoma in compliance with all Rules of the Commission including the required spacing from the nearest television market affected by the HDTV freeze. The proposed allotment will provide the first local television service to Woodward, Oklahoma and the first local regional television service to the Northwestern Oklahoma area. It is respectfully requested that the Commission amend Section 73.606(b) of the Rules to add Channel 35 to Woodward, Oklahoma.

SELLMEYER ENGINEERING
BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 388 McKinney, Texas 75069
MEMBER AFCCE
(214) 542-2056

EXHIBIT 1
TV SPACING STUDY FOR CHANNEL 35
WOODWARD, OKLAHOMA

12-04-1995

Sellmeyer Engineering

PAGE 1

TV Study for: KWOX-FM SITE

Location: WOODWARD, OK

ZONE: 2

36-16-06

99-26-56

CALL STATUS	LOCATION STATE	CHANNEL ZONE	ERP:KW(DA) HAAT	LATITUDE LONGITUDE	DISTANCE BEARING	REQUIRED CLEAR (km)
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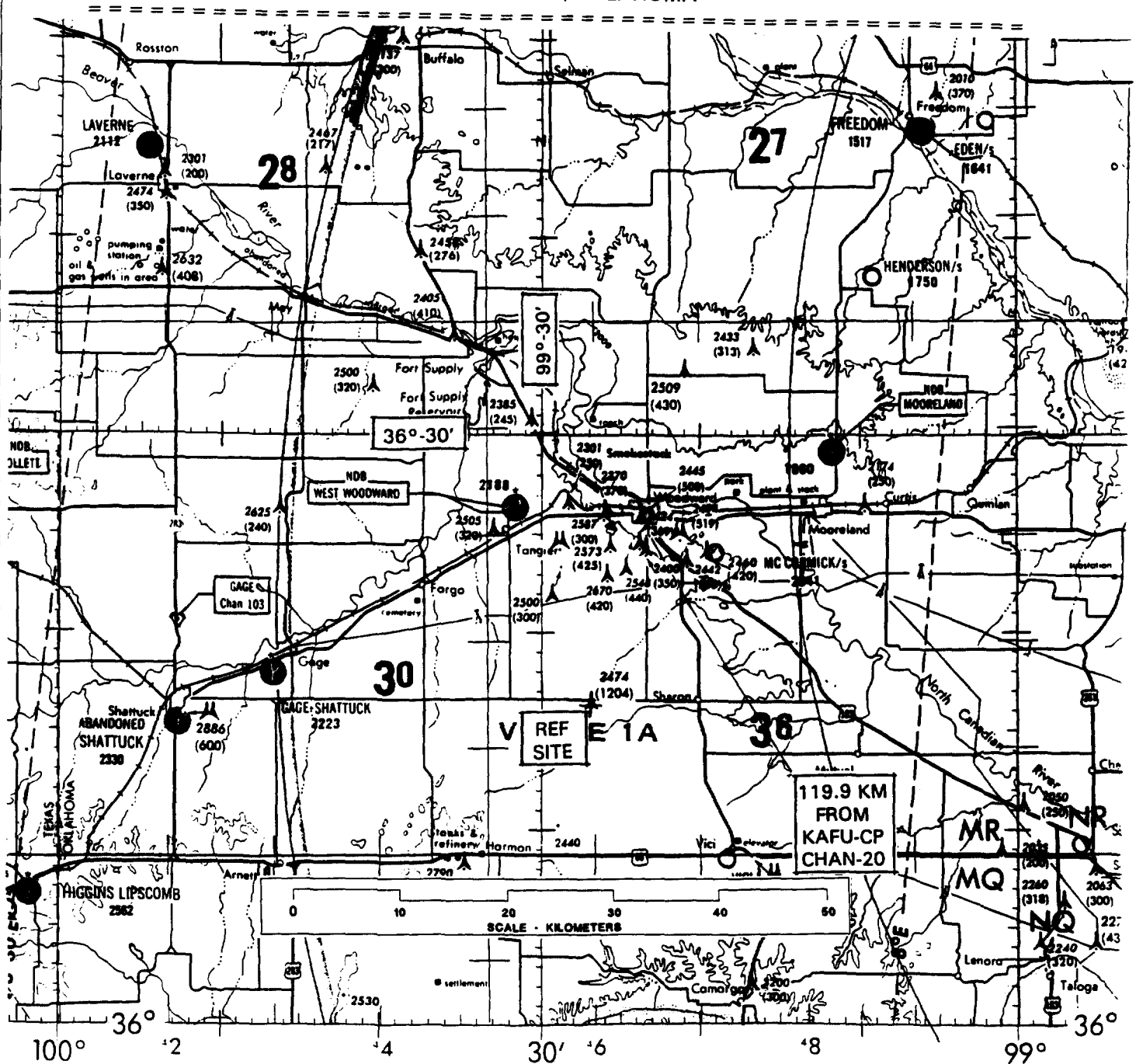
>>>>>>> Study For Channel: 35 <<<<<<<

KAFU CP -TV	ENID, OK BPCT-870112KE	20 - ZONE:2	141 N 136	36-28-35 97-53-52	141.1 80.1	119.9 +21.2 CLEAR
ALLOC -TE	DODGE CITY, KS -	21 - ZONE:2	0	37-45-17 100-01-09	172.5 343.1	95.7 +76.8 CLEAR
ALLOC -TA	ELK CITY, OK -	31 Z ZONE:2	0	35-24-48 99-24-36	94.9 177.9	31.4 +63.5 CLEAR
KRSCTV LIC-TE	CLAREMORE, OK BLET-920306KE	35 Z ZONE:2	2750 Y 256	36-24-05 95-36-33	345.0 86.4	280.8 +64.2 CLEAR

The proposed allocation site is 431.8 km from the Ft. Worth, Texas TV Market Reference. The minimum required distance is 281 km. Thus the proposed channel may be allocated at Woodward, Oklahoma irrespective of the TV Freeze.

SELLMEYER ENGINEERING
 BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
 P. O. Box 356 McKinney, Texas 75069
 MEMBER AFCCE
 (214) 542-2056

EXHIBIT-2
MAP SHOWING AREA TO LOCATE
CHANNEL 35
WOODWARD, OKLAHOMA



SELLMEYER ENGINEERING
BROADCAST AND COMMUNICATIONS CONSULTING ENGINEERS
P. O. Box 356 McKinney, Texas 75069
MEMBER AFCCE
(214) 542-2056

CERTIFICATION OF ENGINEER

I hereby state that:

I am President of Sellmeyer Engineering

The Firm of Sellmeyer Engineering has been retained by Channel 35 Broadcasters to prepare this Engineering Exhibit

I am a graduate of Arizona State University with the degree of Bachelor of Science in Engineering

I am a Registered Professional Engineer in the States of Ohio and Texas

My qualifications as an Engineer are a matter of record with the Federal Communications Commission, having been previously accepted in applications of this type

This Engineering Exhibit was prepared by me personally or under my direct supervision, and

All facts stated herein are true and correct to the best of my knowledge and belief.



J. S. Sellmeyer, P. E.

December 8, 1995

P. O. Box 356
McKinney, Texas 75069
214-542-2056

